

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

MAGIC LABS, INC.,	)
	)
Plaintiff,	)
	)
v.	) C.A. No. 23-967 (RGA)
	)
HORKOS, INC. d/b/a PRIVY	)
	)
Defendant.	)

**DEFENDANT HORKOS, INC.'S PARTIAL MOTION TO DISMISS  
PLAINTIFF MAGIC LABS, INC.'S FIRST AMENDED COMPLAINT  
PURSUANT TO FED. R. CIV. P. 12(B)(6) AND 35 U.S.C. § 101**

Pursuant to Fed. R. Civ. P 12(b)(6) and 35 U.S.C. § 101, Defendant Horkos, Inc. d/b/a Privy moves to dismiss Plaintiff's First Amended Complaint for Patent Infringement (D.I. 14) as to United States Patent No. 11,546,321 for lack of patentable subject matter. The grounds for this Motion are set forth more fully in Defendant's Opening Brief, submitted herewith.

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*/s/ Brian P. Egan*

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January 22, 2024

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FOR THE DISTRICT OF DELAWARE

MAGIC LABS, INC., )  
Plaintiff, )  
v. ) C.A. No. 23-967 (RGA)  
HORKOS, INC. d/b/a PRIVY )  
Defendant. )

**[PROPOSED] ORDER GRANTING DEFENDANT'S PARTIAL MOTION TO DISMISS  
PLAINTIFF'S FIRST AMENDED COMPLAINT**

WHEREAS, Defendant Horkos, Inc. d/b/a PRIVY, having moved to partially dismiss Plaintiff Magic Labs, Inc.'s First Amended Complaint (D.I. 14) pursuant to Federal Rule of Civil Procedure 12(b)(6) and 35 U.S.C. § 101; and

WHEREAS, the Court having considered Defendant's Motion and all submissions related thereto;

IT IS HEREBY ORDERED this \_\_\_\_ day of \_\_\_\_\_, 2024 that  
Defendant's Motion is **GRANTED**.

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## United States District Court Judge

**CERTIFICATE OF SERVICE**

I hereby certify that on January 22, 2024, I caused the foregoing to be electronically filed with the Clerk of the Court using CM/ECF, which will send notification of such filing to all registered participants.

I further certify that I caused copies of the foregoing document to be served on January 22, 2024, upon the following in the manner indicated:

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